

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

LEDIF PEREZ-PEREZ,

Defendant.

20-CR-287 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On February 29, 2024, Defendant Ledif Perez-Perez filed a motion, pursuant to 18 U.S.C. § 3582(c)(2), for a reduction of his sentence pursuant to Amendment 821 to the United States Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively. (ECF No. 120.) On March 28, 2024, the Government filed an opposition to Perez-Perez's motion. (ECF No. 123.)

“In determining whether, and to what extent, a reduction in the defendant’s term of imprisonment . . . is warranted” pursuant to Amendment 821, the Court must first “determine the amended guideline range that would have been applicable to the defendant if” the Amendment “had been in effect at the time the defendant was sentenced.” U.S.S.G. § 1B1.10(b)(1). A reduction of sentence is not authorized if the relevant amendments do not lower the defendant’s applicable Guidelines range. *See id.* § 1B1.10(a)(2). U.S.S.G. § 1B1.10(b)(2)(A) then provides that, with an exception not relevant here, “the court shall not reduce the defendant’s term of imprisonment . . . to a term that is less than the minimum of the amended guideline range determined under subdivision (1) of this subsection.”

Perez-Perez is ineligible for a reduction in his sentence because his Guidelines range remains the same. Part A of Amendment 821 alters a provision of the Guidelines that applies

additional criminal history points for those who committed the offense while subject to a criminal justice sentence. But even with Part A's adjustment, Perez-Perez's Total Offense Level does not change and he remains in Criminal History Category VI. (See ECF No. 121 at 2-3.) He therefore is not eligible for a reduction under Part A. Moreover, while Part B of Amendment 821 creates a provision that provides a two-level downward adjustment in offense level for those who have zero criminal history points and meet other criteria, Perez-Perez has more than zero criminal history points, rendering him ineligible for a reduction under Part B. (*Id.*) As a result, Perez-Perez is not eligible for a sentence reduction under Amendment 821 because his Guidelines range remains the same. (See *id.* at 3.)

For the foregoing reasons, Perez-Perez's motion is denied. The Clerk of Court is directed to close the motion at ECF No. 47 and to mail a copy of this Order to:

Ledif Perez-Perez
Register No. 87779-054
FCI Butner Medium II
Federal Correctional Institution
P.O. Box. 1500
Butner, NC 27509

SO ORDERED.

Dated: April 23, 2024
New York, New York


J. PAUL OETKEN
United States District Judge